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APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.

WP(S) 2574/05

O.A.No._____ of 98.

For use in the Tribunal's office.

Date of filing or Date of Receipt by post.	_____
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	REGISTRAR

IN THE MADHYA PRADESH ADMINISTRATIVE TRIBUNAL BENCH AT RAIPUR.

BETWEEN

1. Applicants : 1. Atma Ram Deshmukh son of Shri Hari Ram Deshmukh aged about 36 years, resident of village Tikeri, Tahsil Gunderdehi, District Durg (MP)

2. Tujhera Deshmukh son of Shri Gokul Prasad Deshmukh, aged about 38 years, resident of village Bharda, P.O.Kuthrale District Durg.

3. Vednath Sahu son of Shri Rama Sahu, aged about 38 years, resident of village Pireed (Choutela) Tahsil Gunderdehi District Durg.

4. Smt.Pushpa Patel W/O Shri Sukhdeo Ram Patel, aged about 40 years, resident of Rewti Navagaon Post Office Sankra Nayapara Balod District Durg. (M.P)

5. Sukhdeo Ram Patel S/O late Shri Motilal Patel, aged about 50 years, resident of Rewati Nayagaon P.O.Sankra Tahsil Balod, District Durg (M:P)

6. Smt.Ashalata Shrivastava W/O Shri D.L.Shrivastava aged about 47 years, resident of Balod, District Durg (M.P)

7. Smt.Yashoda Yogi W/O Shri Anoop Nath Yogi, aged about 33 years, Nayapara Balod District Durg.

8. Shantanu Kumar Dilliwar S/O Shri D.S.Dilliwar aged about 36 years, resident of Bori, Tahsil and District Durg (M.P).

9. Haresh Kumar Deshmukh son of Shri Shyamlal Deshmukh aged about 36 years, resident of Balod District Durg (M.P)

10. Radheshyam Rawat son of Shri Ghasiram Rawat resident of Arjunda, P.O.Arjunda District Durg.

11. Smt.Seema Saxena D/O Shri Jamuna Prasad Shrivastava, resident of Balod District Dufg.

12. Ku.Ishrat Begum Quraishi D/O Mohammed Abdul Sharif Quraishi, aged about 39 years, resident of Balod District Durg (M.P)

13. Ku.Jareena Nilophar D/O Shri M.A.Sharif, aged about 42 years, resident of Musalmanpara, Balod District Durg (M.P)

14. Chaituram Bhargava S/O Shri B.S.Bhargava resident of village Kulia P.S.Gurur District Durg (M.P)

15. Ram Krishnalal Athbhaiya S/O M.R.Sahu, aged about 40 years, resident of Chandanbirhi Gurur Balod, District Durg (M.P)

16. Punurad Ram Gangber son of Shri Najaroo Ram Gangber, aged about 38 years, resident of Balod District Durg (M.P)

17. Smt.Kailashbai Manikpuri W/O Shri Chagandas Manikpuri aged about 38 years, resident of village Tatenga P.O.Tatenga, Tahsil Daundilohara District Durg (M.P)

18. Smt.Padmawati Yogi D/O Ka ilnath Yogi resident of Naya Para Balod District Durg (M.P)

19. Lela Ram Vaidya son of Shri Shyamlal Vaidya resident of village Hatka Para P.O.Jewra, District Kanker (M.P)

-Versus-

2. Non-Applicants. 1. State of M.P.through Secretary School Education Department M.P.Bhopal.

2. Deputy Director Education Durg (M.P)

3. Deputy Director Education, Kanker (M.P)

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) NO. 2574 OF 2005

Petitioners : Atma Ram Deshmukh and others

versus

Respondents : State of M.P. and others

Present : Mr. Vivek Rathore, counsel for the petitioners.
Mr. Ajay Dwivedi, learned Panel Lawyer for the State.

ORAL ORDER
(Passed on 31st of July, 2006)

The petitioners are appointed as ad hoc teachers on daily wages basis by the District Education Officer, Durg by order dated 19.09.1981 (Annexure A-1). The petitioners by way of this petition seek regularization of their services and further alternatively grant of regular pay-scale.

The Hon'ble Supreme Court in the matter of **Secretary, State of Karnataka and others Vs. Umadevi (3) and others** reported in **(2006) 4 SCC 1** has clearly held that absorption, regularization, or permanent continuance of temporary, contractual, casual, daily-wage or ad hoc employees appointed/recruited and continued for long in public employment dehors the constitutional scheme of public employment create another mode of public employment which is not permissible. In the present case the petitioners are daily wagers and are not appointed in accordance with law and as per the constitutional scheme of the public employment. Thus they do not acquire any right for regularization or for grant of regular pay-scale. Further the Hon'ble Supreme Court in the matter of Secretary, State of Karnataka Vs. Umadevi and others (supra) in paragraph-53 directed as under:-

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Para 53. "The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases abovereferred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such *irregularly* appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

In view of the above stated directions of the Hon'ble Supreme Court, the respondents are directed to comply with the order of the Supreme Court as one-time measure in the cases of the petitioners. The petition is accordingly disposed of. No order as to costs.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge